

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
Plaintiff,) CASE NO. CR05-0410-RSL
v.)
HARLAN P. JAMES,) SUMMARY REPORT OF U.S.
Defendant.) MAGISTRATE JUDGE AS TO
) ALLEGED VIOLATIONS
) OF SUPERVISED RELEASE
_____))

An evidentiary hearing on supervised release revocation in this case was scheduled before me on December 2, 2010. The United States was represented by AUSA Carl H. Blackstone and the defendant by Michael Filipovic. The proceedings were digitally recorded.

Defendant had been sentenced on or about November 16, 2006 by the Honorable Robert S. Lasnik on a charge of Assault Resulting in Serious Bodily Injury, and sentenced to 5 years probation. (Dkt. 40.)

The conditions of probation included the standard conditions plus the requirements that defendant participate in drug testing and treatment, abstain from alcohol, submit to search, participate in a mental health program, complete 40 hours of community service, provide his

SUMMARY REPORT OF U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE
PAGE -1

01 probation officer with access to financial information upon request, and have no direct or indirect
02 contact with the victim without the permission of his probation officer.

03 Defendant's probation officer reported on March 1, 2007 that defendant had violated the
04 conditions of supervision by associating with a person engaged in criminal activity, and failing
05 to report contact with law enforcement within 72 hours. The defendant was counseled and
06 corrective action was taken. No further action was taken at the time. (Dkt. 41.)

07 On June 27, 2007, defendant admitted violating the conditions of supervision by having
08 contact with several convicted felons and a person engaged in criminal activity. (Dkt. 46.) The
09 conditions of probation were modified to require the defendant to participate in electronic home
10 monitoring and Sobrietor for 180 days. (Dkt. 52, 53.)

11 On July 28, 2009, defendant was found to have violated the conditions of supervision by
12 possessing and distributing cocaine on several occasions, by failing to report as instructed for
13 drug treatment, by associating with a person engaged in criminal activity, and by associating with
14 a convicted felon. (Dkt. 66.) Defendant was sentenced to 10 months in custody, and supervised
15 release for two years. (Dkt. 79.)

16 In an application dated October 26, 2010 (Dkt. 82-84), U.S. Probation Officer Jerrod
17 Akins alleged the following violations of the conditions of supervised release:

18 1. Consuming marijuana on or before August 19, 2010, in violation of standard
19 condition No. 7.

20 2. Consuming marijuana on or before September 14, 2010, in violation of standard
21 condition No. 7.

22 3. Consuming marijuana on or before October 7, 2010, in violation of standard

01 condition No. 7.

02 4. Consuming marijuana on or before October 13, 2010, in violation of standard
03 condition No. 7.

04 Defendant was advised in full as to those charges and as to his constitutional rights.

05 Defendant admitted the alleged violations and waived any evidentiary hearing as to
06 whether they occurred. (Dkt. 87.)

07 I therefore recommend the Court find defendant violated his supervised release as alleged,
08 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
09 set before Judge Lasnik.

10 Pending a final determination by the Court, defendant has been released on the conditions
11 of supervision.

12 DATED this 2nd day of December, 2010.

13 
14 Mary Alice Theiler
15 United States Magistrate Judge

16 cc: District Judge: Honorable Robert S. Lasnik
17 AUSA: Carl H. Blackstone
18 Defendant's attorney: Michael Filipovic
19 Probation officer: Jerrod Akins
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